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Attorneys for Defendant Wyeth Pharmaceuticals,
Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANA A. SMITH,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC.,

Defendant.

JUDGE ROBINSON

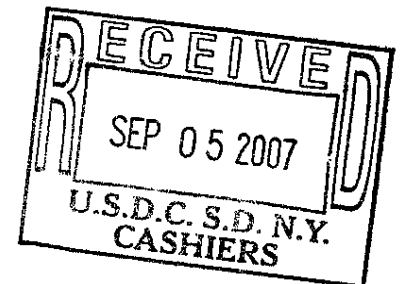
07 CIV 7843
Case No. _____

NOTICE OF REMOVAL

TO: CLERK
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

CLERK
Supreme Court of the State of New York
County of Rockland
Courthouse
1 South Main Street
New City, New York 10956

THE LAW OFFICE OF STEVEN A. MORELLI
Steven A. Morelli, Esq.
One Old Country Road, Suite 347
Carle Place, New York 11514



Defendant Wyeth Pharmaceuticals, Inc. ("Wyeth"), by its undersigned attorneys,
files this Notice of Removal, pursuant to 28 U.S.C. § 1441, of the action entitled *Dana A. Smith*

Pennsylvania, and Plaintiff is deemed to be a citizen of the State of New York.

6. The Complaint alleges, *inter alia*, that Wyeth unlawfully discriminated against Plaintiff based on his race in violation of New York Executive Law § 296 and 42 U.S.C. § 1981. Among other relief, Plaintiff seeks compensatory, emotional and physical damages, lost pay and front pay, exclusive of interest and costs.

7. Removal of the state court action to this Court also is warranted pursuant to 28 U.S.C. § 1441(b) because this suit is one over which this Court has original jurisdiction under 28 U.S.C. § 1331 as it is based, *inter alia*, on a claim or right arising under the Civil Rights Act of 1866, 42 U.S.C. § 1981. Additionally, pursuant to 28 U.S.C. § 1367(a), this Court has original supplemental jurisdiction over Plaintiff's remaining state law claims under the New York Executive Law. 28 U.S.C. § 1367(a) provides, in relevant part, that "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to the claims in the action within such original jurisdiction that they form part of the same case or controversy." Plaintiff's state and federal claims all relate to Wyeth's alleged discrimination against Plaintiff based on his race, and therefore, Wyeth requests that the Court assert supplemental jurisdiction over Plaintiff's state law claims.

8. Venue lies in the United States District Court for the Southern District of New York because the state-court action was filed in this district. 28 U.S.C. § 1441(a).

9. As required by 28 U.S.C. § 1446(d), Wyeth is serving a copy of this Notice of Removal on Plaintiff and providing a copy to the Clerk of the Supreme Court of the State of New York, Rockland County.

WHEREFORE, Wyeth submits this Notice of Removal of this action from the

v. Wyeth Pharmaceuticals, Inc., Index Number: 2007-06116 (Supreme Court of the State of New York, Rockland County).

1. Upon information and belief, this action was commenced on or about July 19, 2007, in the Supreme Court of the State of New York, Rockland County. A copy of the Summons and Complaint was received by Wyeth's undersigned attorneys on August 7, 2007. This Notice of Removal is being filed within thirty (30) days of receipt of the Summons and Complaint upon Wyeth's undersigned attorneys. Attached hereto as Exhibit A is a copy of the Summons and Complaint, which constitutes all of the process, pleadings and orders served upon Wyeth in this action.

2. This action is one over which this Court has original jurisdiction under 28 U.S.C. § 1332(a) and is one that may be removed to this Court by Wyeth pursuant to 28 U.S.C. § 1441(a), in that it is a suit constituting a dispute between citizens of different states and the matter in controversy exceeds the sum of the value of \$75,000, exclusive of interest and costs.

3. As alleged in the Complaint, Plaintiff Dana A. Smith ("Plaintiff") is, and at all relevant times has been, a resident and domiciliary of Rockland County in the State of York.

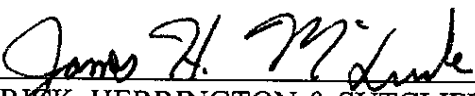
4. Wyeth is, and at all relevant times has been, a corporation organized and existing pursuant to the laws of the State of Delaware, with its principal place of business located at 500 Arcola Road in Collegeville, Pennsylvania. Therefore, pursuant to 28 U.S.C. § 1332(c)(1), Wyeth is a citizen of the State of Delaware and of the State of Pennsylvania for purposes of diversity and removal jurisdiction.

5. Thus, the citizenship of all parties is diverse as defined by 28 U.S.C. § 1332(a) in that Wyeth is deemed to be a citizen of the State of Delaware and of the State of

Supreme Court of the State of New York, Rockland County, to the United States District Court
for the Southern District of New York and prays this action stand so removed.

DATED: New York, New York
September 5, 2007

Respectfully submitted,


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